

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

SIGNATURE FLIGHT SUPPORT CORPORATION,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	
v.	)	Civil Action No.: 1:08cv955(JCC)
	)	
LANDOW AVIATION LIMITED PARTNERSHIP,	)	
	)	
Defendant/Counterclaim Plaintiff.	)	
_____	)	

**DECLARATION OF LOUIS E. DOLAN, JR.**

I, Louis E. Dolan, Jr., declare and state as follows:

**BACKGROUND**

1. I have personal knowledge of the facts set forth in this declaration and, if required to do so, could competently testify to those facts.

2. I am a member of the Bar of the Commonwealth of Virginia (VSB No. 34437) and a partner in the Washington, D.C. office of the law firm of Nixon Peabody LLP (“Nixon Peabody”). I served as counsel for Signature Flight Support Corporation (“Signature”) in this action and was largely assisted by one associate, David West, Esq., and one paralegal, Nicola Murphy, throughout this action. We were also assisted by several other partners, associates, paralegals and other assistants in this matter on a much more limited basis.<sup>1</sup>

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<sup>1</sup> Signature’s litigation team for this matter consisted of myself, David West, and Nicola Murphy. Trial of this matter began in June 2009, resumed from August 31 through September 4, 2009, and then was completed September 15 through 16, 2009. This was due, in part, to failed settlement negotiations between the parties and, in part, to the Court’s schedule. David West was not able to attend all of the trial due to his wedding on September 5, 2009 and subsequent honeymoon. Thus, he did not attend trial on September 4th, nor September 15th-

*(Footnote continued on next page)*

3. Signature retained Nixon Peabody in December, 2006 to enforce Signature's rights under the Ground Sublease Agreement between Signature and Landow Aviation Limited Partnership and the Supplemental Agreement between Signature and the Metropolitan Washington Airports Authority, which was incorporated into the Ground Sublease Agreement.

4. These enforcement actions commenced with the preparation of demand letters and a formal mediation that was required under the contract documents. At that time, Landow was represented by attorneys from Press, Potter & Dozier, LLC, in Bethesda, Maryland.

5. Shortly after Signature filed its Complaint in this enforcement proceeding, Landow was represented by Allen V. Farber, a partner at Drinker Biddle & Reath LLP, in Washington, D.C.

6. Nixon Peabody is an international law firm with approximately 800 attorneys and offices in 17 cities in North America, Europe and Asia. Nixon Peabody's clients range from multinational corporations to individual entrepreneurs, and non-profit organizations to businesses representing virtually every sector and industry.

7. Nixon Peabody sets standard hourly rates for its lawyers based on information concerning the prevailing market rates for similar services offered by lawyers of reasonably comparable skill and experience who practice in the same geographic areas as its attorneys. These rates are set based on a variety of factors, one of the most important of which is the rates set by firms Nixon Peabody believes to be competitors. In the case of Nixon Peabody's

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*(Footnote continued from previous page)*

16th. Kimberly Jandrain, another Nixon Peabody associate, attended trial and assisted me in his absence. Nicola Murphy was unable to attend the last two days of trial, September 15th and 16th, due to a long-scheduled vacation with her parents from England. In Ms. Murphy's absence, another Nixon Peabody paralegal, Jenny Smith, provided me with trial assistance.

Washington, D.C. office, that includes rates in the Washington, D.C., Northern Virginia, and Maryland legal marketplaces.

### **NIXON PEABODY STAFFING**

8. The Nixon Peabody attorneys, paralegals and other timekeepers who worked on this matter documented their time spent working on this matter on a contemporary basis.

9. The Nixon Peabody attorneys, paralegals and other timekeepers who worked on this matter and their applicable rates are set forth in the spreadsheet prepared under my direction and supervision and attached hereto as Exhibit “1.”<sup>2</sup> The billing rates for the attorneys, paralegals, and others included in these invoices are reasonable and customary rates for persons of their respective experience.

10. A copy of my biographical statement is attached hereto as Exhibit “2.” David West assisted me with legal research and drafting, discovery, and trial preparation. Mr. West is a junior associate with Nixon Peabody who started with the firm in September 2008. He practices in the commercial litigation group. A biographical statement for Mr. West is attached hereto as Exhibit “3.” Finally, I was assisted by Nicola Murphy, a paralegal at Nixon Peabody. Ms. Murphy has been a paralegal for 6 years and joined Nixon Peabody in 2007. She has extensive experience supporting Nixon Peabody’s Washington, D.C. litigation team. A biographical statement for Ms. Murphy is attached hereto as Exhibit “4.”

11. I was also assisted by other attorneys, paralegals and other timekeepers in this matter on a more limited basis. These included the following:

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<sup>2</sup> Nixon Peabody views this as proprietary information. As such, this Exhibit has been filed under seal pursuant to this Court’s Protective Order dated November 24, 2008. [Dkt. No. 26].

<b>Name</b>	<b>Position</b>	<b>Summary of Tasks Performed</b>	<b>Total Hours Billed</b>
Vernon W. Johnson, III	Partner	Legal advice, legal research and drafting, and attend hearing	13.3
Gordon Lang	Partner	Review and legal advice	2.5
Scott Maule	Associate	Legal research and drafting	76.9
Kimberly Jandrain	Associate	Legal research and drafting; trial assistance and motions practice	215.8
Colin O'Sullivan	Associate	Legal research and drafting	8.7
Cynthia Fleming Crawford	Associate	Document review	88.6
Kenneth Nichols	Associate	Legal research and drafting; trial assistance and motions practice	21.4
Benjamin Hickman	Associate	Legal research and drafting; trial assistance and motions practice	31.4
Tanya C. Nesbitt	Associate	Legal research and drafting	5.5
Jenny H. Smith	Paralegal	Assist with case management and attend trial	39.6
Anne M. Belin	Paralegal	Document review and electronic document production	61.2
Peggy Dirmyer	Paralegal	Document review and electronic document production	14.2
Colleen S. Durawa	Paralegal	Document review and electronic document production	39.6
Stephanie Schinella	Paralegal	Document review and electronic document production	17.5
Nancy Mahoney	Paralegal	Document review and electronic document production	28.8
Jeffrey D. Jarrett	Litigation Technology Specialist	Managed electronic document discovery	125.4
Jason Reid	Litigation Technology Specialist	Assist with electronic discovery	1.7
Joshua A. Headley	Litigation Technology Specialist	Prepare electronic exhibits for trial	3.0

Biographical information for these other Nixon Peabody attorneys and timekeepers is attached as Exhibit “5.” A more detailed description as to each of these timekeepers’ activities is set forth in the billing invoices described in Paragraph 17 of this Declaration. It is the regular practice of Nixon Peabody, as well as other comparable law firms in this community, to bill clients for the work of paralegals and technology specialists on an hourly basis.

12. Through my professional experience practicing law in the Washington D.C. area, and based on financial information forwarded to me by Nixon Peabody’s financial analysts, I am familiar with the hourly rates charged by other law firms in Washington, D.C. and Northern Virginia for attorneys with comparable levels of experience as the Nixon Peabody attorneys who worked on this matter. The hourly rates charged by Nixon Peabody for the attorneys, paralegals and other timekeepers in this matter are consistent with the hourly rates charged by comparable Washington, D.C. and Northern Virginia law firms that regularly appear before this Court.

### **LEGAL WORK PERFORMED**

13. The services performed by the Nixon Peabody attorneys, paralegals and other timekeepers in this matter include, but are not limited to, the following:

- (a) Drafting demand letters to Landow regarding its obligations under the GSA;
- (b) Researching, compiling facts, and drafting a response to MWAA regarding Landow’s allegations that Signature’s fuel service was substandard;
- (c) Mediation before Harold Himmelman, Esq. JAMS Endispute;
- (d) Researching, drafting and filing Signature’s Complaint [Dkt. No. 1];
- (e) Researching, drafting and filing Plaintiff’s Motion For Preliminary Injunction (and Reply) [Dkt. Nos. 27-28,38];
- (f) Researching, drafting and filing Plaintiff’s Opposition to Defendant’s Motion to Strike the Declarations of John G. Farmer and Michael Bennett. [Dkt. No. 45];

- (g) Researching, drafting and filing the Opposition of Plaintiff Signature Flight Support Corporation to Defendants Landow Aviation Limited Partnership's Motion to Compel Discovery. [Dkt. No. 67];
- (h) Researching, drafting and filing Plaintiff Signature Flight Support Corporation's Motion to Compel the Production of Documents. [Dkt. No. 68-69];
- (i) Researching, drafting and filing Plaintiff's Opposition to Defendant's Motion for Leave to File an Amended Counterclaim. [Dkt. No. 79];
- (j) Researching, drafting and filing Plaintiff Signature Flight Support Corporation's Motion to Compel the Production of Documents. [Dkt. Nos. 84-85];
- (k) Researching, drafting and filing Opposition of Plaintiff Signature Flight Support Corporation to Motion to Compel of Landow Aviation Limited Partnership. [Dkt. No. 100];
- (l) Researching, drafting and filing Motion of Plaintiff Signature Flight Support Corporation to Strike the Designation of Eric T. Smith as an Expert Witness and Preclude Testimony (and reply) [Dkt. Nos. 121-22, 125];
- (m) Researching, drafting and filing Plaintiff Signature Flight Support Corporation's Motion in Limine to Strike the Designation of Richard Ryan as an Expert Witness and Preclude Testimony (and reply). [Dkt. Nos. 142-43, 153];
- (n) Researching, drafting and filing Plaintiff's Motion in Limine to Exclude Certain Proposed Trial Exhibits and Testimony of Certain Witnesses Not Timely Disclosed (and reply). [Dkt. Nos. 165-66, 175];
- (o) Researching, drafting and filing Motion to Exclude Parol Evidence and Narrow the Issues for Trial. [Dkt. Nos. 188-89];
- (p) Researching, drafting and filing Plaintiff Signature Flight Support Corporation's Opposition to Landow Aviation Limited Partnership's Motion in Limine to Exclude the Summary of the Deposition of Christopher U. Browne. [Dkt. No. 220];
- (q) Researching, drafting and filing Plaintiff Signature Flight Support Corporation's Opposition to Landow Aviation Limited Partnership's Motion Requesting Rulings on Landow's Pending Objections to Deposition Summaries and Designations. [Dkt. No. 221];
- (r) Researching, drafting and filing Plaintiff's Opposition to Defendant's Motion to Dismiss Count III of the Complaint. [Dkt. No. 14];
- (s) Researching, drafting and filing Plaintiff's Amended Complaint. [Dkt. No. 30].
- (t) Researching, drafting and filing Plaintiff's Opposition to Defendant's Motion to Dismiss Count III of the Amended Complaint. [Dkt. No. 47];

- (u) Researching, drafting and filing Opposition of Plaintiff Signature Flight Support Corporation to Defendant Landow Aviation Limited Partnership's Motion to Strike Designation of Expert Witness (Michael Hodges). [Dkt. No. 80];
- (v) Researching, drafting and filing Opposition of Plaintiff/Counterclaim Defendant Signature Flight Support Corporation to Motion for Summary Judgment on Count III of the Amended Complaint. [Dkt. No. 117];
- (w) Researching, drafting and filing Motion for Partial Summary Judgment of Plaintiff Signature Flight Support Corporation as to Count II of the Amended Counterclaim (and reply). [Dkt. Nos. 139-140, 164)];
- (x) Researching, drafting and filing Signature Flight Support Corporation's Opposition to Defendant's Motion in Limine to Exclude the Report and Testimony of Plaintiff's Proposed Expert Michael A. Hodges, on the Subject of Damages. [Dkt. No. 145].

14. Many of the motions, oppositions and activities listed above required attorney time for preparation and attendance at related Court hearings.

15. In addition to the foregoing, Signature also faced significant discovery burdens that required a substantial amount of attorney time, including the following:

- (a) Signature produced approximately 43,400 pages of documents, after collecting and reviewing several times that number of documents for responsiveness and privilege;
- (b) Signature also made available 50-60 boxes of materials, plans and drawings for Landow's review;
- (c) Signature received approximately 800 pages of documents in response to a subpoena issued to MWAA;
- (d) Landow produced approximately 113,634 pages of electronic documents, and an additional 7,000 native excel spreadsheets to Signature;
- (e) Landow provided Signature with hundreds of additional pages of documents related to its expert, Eric Smith, the night before his deposition.

16. Preparation for taking depositions, and preparing witnesses for deposition and trial also required significant amounts of attorney time. Landow noticed four current Signature employees and one former Signature employee for deposition along with Signature's expert, Robert Showalter. In addition, Landow took a 30(b)(6) deposition of Signature. In a good faith effort to comply with Landow's broad 30(b)(6) deposition notice, Signature made five of its

representatives available for interrogation. Signature took nine depositions, which also required significant attorney time.

### **ATTORNEY AND OTHER PROFESSIONAL FEES**

17. Attached hereto as Exhibit “6” are true and correct copies of Nixon Peabody’s detailed billing invoices for attorneys’ fees, and other professional fees and expenses, incurred by Nixon Peabody in connection with this matter from December 2006 through October 2009, (after certain reductions described in Paragraph 18, below).<sup>3</sup> These fees were reasonably and necessarily incurred in connection with the enforcement and protection of Signature’s rights under the contract documents. Signature does not intend to waive any attorney-client privilege or work product protection by producing such billing entries, and has redacted certain information on the attached billing entries as may be necessary to protect attorney-client communications and/or attorney work product. Signature can furnish to the Court under seal unredacted copies of these billing entries in the event that the Court wishes to examine such entries *in camera*.

18. I have personally reviewed the billing entries to eliminate from this request hours that might be deemed “excessive, redundant, or otherwise unnecessary” due to the results achieved. I have also removed fees or costs that I determined were associated with Signature’s damages expert, Michael A. Hodges, Signature’s motion for summary judgment on the issue of fuel revenue sharing, Signature’s motion for reconsideration relating to its damages claims, and all activities related to Signature’s tortious interference count, because Signature did not advance, or did not prevail on, those issues.

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<sup>3</sup> This Exhibit has been filed under seal pursuant to this Court’s Protective Order dated November 24, 2008 in order to protect information that Nixon Peabody considers to be confidential. [Dkt. No. 26].



19. Attached as Exhibit “7” to my Declaration is a Summary of Fees and Costs Requested by Signature, which summarizes the actual attorney and other professional fees incurred, and the net attorney and other professional fees requested in Signature’s Motion for Attorneys’ Fees and Costs, as well as the costs incurred by Signature directly and by Nixon Peabody on Signature’s behalf in the litigation.<sup>4</sup> This summary was prepared based on the invoices attached at Exhibit “6” under my direction and supervision.

As shown on Exhibit “7,” Signature requests a total of \$1,570,616 in attorney and other professional fees incurred from the inception of its enforcement activities through October, 2009 when post-trial proposed findings and conclusions were submitted.<sup>5</sup> This total amount does not reflect \$152,295 in attorneys’ fees that were deducted from time to time during Nixon Peabody’s representation of Signature either prior to invoices being rendered, or at the time the invoice was issued to Signature, which Signature is not claiming in its Motion. It does reflect \$205,102.50 in attorneys’ fees that have been deducted from the invoices attached at Exhibit “6” for purposes of Signature’s Motion to account for fees incurred on some of the pre-trial motions on which Signature did not prevail, or did not advance, as described in Paragraph 18 of my Declaration. Signature also voluntarily reduced the amount of the total attorney and professional fees it is requesting by five percent (5%) in order to eliminate any time that might be deemed excessive, redundant, or otherwise unnecessary. This is also reflected in Exhibit “7.” The net request for attorney and other professional time, therefore, after all of these reductions, is Signature’s request for \$1,570,616.

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<sup>4</sup> Nixon Peabody views this as proprietary information. As such, this Exhibit has been filed under seal pursuant to this Court’s Protective Order dated November 24, 2008. [Dkt. No. 26].

<sup>5</sup> Nixon Peabody’s final bill reflecting this time was rendered in December, 2009. *See* Exhibit 6 hereto.

Exhibit “7” also reflects a total of \$204,350.19 in costs for which Signature seeks reimbursement, as described more fully in the following paragraphs of my Declaration.

**COSTS AND EXPENSES RELATED TO WORK PERFORMED**

**A. Costs Paid by Nixon Peabody on Signature’s Behalf**

20. Attached to this Declaration, as Exhibit “8,” is an itemization and summary of costs and expenses incurred by Nixon Peabody and billed to Signature in connection with this matter.<sup>6</sup> This summary was prepared under my direction and supervision and is a summary of costs reflected in Nixon Peabody’s invoices attached at Exhibit “6” to my Declaration. As shown on Exhibit “8,” Signature, among other things, incurred charges for on-line legal research (Lexis and Westlaw); for amounts paid to the court reporters for hearings and trial transcripts; for travel costs for its attorneys related to depositions taken in this case and client meetings; and for the costs of exhibits and copying. The details of these costs are reflected in Nixon Peabody’s invoices to Signature. *See* Exhibit “6,” hereto.

21. These costs totaled \$81,765.37. This number was arrived at by adding the total of each category of expense item, and then deducting \$24,806.02, some of which was included in Signature’s Bill of Costs, filed separately with the Court.

**B. Costs Incurred Directly by Signature**

22. Other costs were necessarily incurred directly by Signature. Attached hereto as Exhibit “9” is a summary of costs, prepared under my direction and supervision, totaling \$122,584.82, directly incurred by Signature in this matter, along with supporting documentation,

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<sup>6</sup> Nixon Peabody views this as proprietary information. As such, this Exhibit has been filed under seal pursuant to this Court’s Protective Order dated November 24, 2008. [Dkt. No. 26].

in the form of invoices. All of these costs were reasonably incurred in connection with this lawsuit and were necessarily incurred in connection with the attorneys' services in this matter.

23. Attachment "A" to Exhibit "9" are copies of invoices reflecting expenses incurred in the amount of \$14,262.50 for mediation services from Harold Himmelman, of JAMS Endispute, in connection with mediation in this matter. This was an activity required under the contract documents as a condition precedent to litigation.

24. Attachment "B" to Exhibit "9" are copies of invoices reflecting expenses incurred, in the amount of \$48,073.44, for electronic document collection and processing by Guidance Software. Signature directly retained Guidance Software to travel to Signature locations and retrieve electronic documents from computer servers based off of a list of custodians identified and agreed upon by the parties.

25. Attachment "C" to Exhibit "9" are copies of invoices reflecting expenses incurred, in the amount of \$27,253.45, for the expert witness services and related costs of Signature's fuel servicing rebuttal expert, Robert Showalter.

26. Attachments "D-G" to Exhibit "9" consist of copies of other invoices reflecting expenses pertaining to, among other things, necessary travel and related costs and expenses of Signature personnel in connection with mediation, discovery obligations, and trial in this matter. The total amount of these invoices is \$32,995.43.

**C. Total Costs**

27. The costs and expenses incurred by Signature, both direct and indirect, in this matter total \$204,350.19. Part of the reason that these expenses were significant include:

- (a) Landow noticed and took ten depositions in this case;
- (b) In a good faith effort to comply with Landow's broad 30(b)(6) deposition notice, Signature made five corporate designees available. Many of Signature's corporate designees were required to travel by air to attend the deposition;

- (c) Principals of Signature were required to attend the Court-ordered mediation;
- (d) Signature called numerous witnesses at trial in order to prove its case, and this Court required that the witnesses remain available on short notice. Trial was spread over several weeks.
- (e) Signature retained the expert witness services of Robert Showalter to aid the Court's understanding of fuel service expectations in the general aviation industry and to rebut Landow's experts' testimony.

#### **ADDITIONAL DISCOUNT**

28. In order to further ensure that any redundancies or inefficiencies in this enforcement action were eliminated, Signature also reduced the overall amount of its request for attorney and professional fees by five percent (5%) as described in Paragraph 19 of my Declaration and as demonstrated on Exhibit "7" to my Declaration.

#### **CONCLUSION**

29. In sum, Signature requests a total of \$1,774,966.19 in attorney and professional fees, expert witness fees, and other costs and expenses reasonably incurred from December 2006 through October, 2009. These fees and costs are in addition to the costs identified in Signature's bill of costs, filed with the Court on March 29, 2010.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on \_\_\_\_\_.

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Louis E. Dolan, Jr.  
Partner, Nixon Peabody, LLP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

SIGNATURE FLIGHT SUPPORT CORPORATION,

Plaintiff/Counterclaim Defendant,

V.

LANDOW AVIATION LIMITED PARTNERSHIP,

Defendant/Counterclaim Plaintiff.

) Civil Action No.: 1:08cv955(JCC)

**FILED UNDER SEAL**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR ATTORNEYS' FEES AND RELATED COSTS OF  
SIGNATURE FLIGHT SUPPORT CORPORATION**

# EXHIBIT 1

TO LOUIS E. DOLAN'S DECLARATION IS  
FILED UNDER SEAL PURSUANT TO THE PROTECTIVE  
ORDER FILED BY THIS COURT ON NOVEMBER 24, 2008. [Dkt. No. 26].

## APPLICABLE RATES

**EXHIBIT 2**



## Louis E. Dolan, Jr.

### Partner

401 9<sup>th</sup> Street, NW, Suite 900 • Washington, DC 20004-2128

Phone: 202-595-8818 • Fax: 866-947-3670

E-mail: [ldolan@nixonpeabody.com](mailto:ldolan@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Business Litigation

Real Estate Litigation

### Experience

Louis Dolan Jr. focuses his practice in the areas of complex commercial litigation, including complex contractual disputes, trade secret and intellectual property disputes, and real estate, construction, partnership, affordable housing, and tax credit-related litigation. His litigation experience also includes representation of real estate developers and low income housing tax credit syndicators in commercial real estate disputes involving brokers, lenders, sureties, mortgage services, and general partners. He also has an active insurance coverage practice.

Mr. Dolan frequently appears in courts throughout the District of Columbia and the Commonwealth of Virginia, including the state and federal trial courts, as well as the District of Columbia Court of Appeals, the Virginia Supreme Court and the D.C. Circuit and Fourth Circuit Court of Appeals.

### Representative Matters

- Successfully represented insurance company in coverage dispute in the United States District Court for the Eastern District of Virginia, reported at *American International Specialty Lines Insurance Company v. A.T. Massey Coal Company, Inc. et al.*, 628 F.Supp.2d 674 (E.D. VA. 2009);
- Represented several state insurance guaranty associations in adjudicatory proceedings before the Virginia State Corporation Commission and Virginia Supreme Court in insurer insolvency proceedings; *Va. Prop. & Cas. Ins. Guar. Ass'n v. Miller*, 2009 Va. App. LEXIS 299 (Va. Ct. App. July 7, 2009)
- Successfully represented master real estate developer of Ballpark District in litigation relating to real estate development rights surrounding new baseball stadium in Washington, D.C., *Monument Realty, Inc v. Washington Metropolitan Area Transit Authority*, 535 F.Supp. 2d 60 (D.D.C. 2008), 540 F.Supp. 2d 66 (D.D.C. 2008);
- Handled substantial constructive defect insurance coverage litigation in the United States District Court for the Eastern District of Virginia, *Transcon. Ins. Co. v. Caliber One Indem. Co.*, 367 F. Supp. 2d 994 (E.D.Va. 2005);
- Successfully represented healthcare insurance provider in trademark litigation, *CareFirst of Md., Inc. v. First Care, P.C.*, 434 F.3d 263 (4th Cir. Va. 2006);
- Represented franchisee in dispute with national franchisor, *Goldhammer v. Dunkin' Donuts, Inc.*, 59 F. Supp 2d 248 (D. Mass 1999).

- Represented principals of publically traded corporation in shareholder derivative claims, *Dockser v. Schwartzberg*, 433 F.3d 421 (4th Cir. Md. 2006).
- Defended foreign aircraft manufacturer in aviation disaster litigation in Loudoun County (Va.) Circuit Court;
- Defended national internet service provider in shareholder litigation before Fairfax County (Va.) Circuit Court and Virginia Supreme Court;
- Defended national retail chain in software licensing dispute before United States District Court for the Eastern District of Virginia; and
- Successfully represented national tax credit syndicators in general partner removal and workout litigation in Louisiana, South Carolina, Maryland, Texas, Tennessee, and Florida.

### **Admissions**

Admitted to practice in the United States Courts for the Eastern and Western Districts of Virginia and the District of Columbia; the United States Court of Appeals for the District of Columbia and Fourth Circuit; the District of Columbia Superior Court, Virginia Supreme Court and Virginia trial courts; and the United States Bankruptcy Courts for the Eastern and Western Districts of Virginia.

### **Education**

George Mason University Law School, J.D. (1992), with distinction  
Georgetown University School of Foreign Service, B.S. (1986)

### **Affiliations**

Member of the Virginia Bar Association, the Virginia Trial Lawyer Association, and the District of Columbia Bar Association.

**EXHIBIT 3**



## David West

### Associate

401 9<sup>th</sup> Street, N.W., Suite 900 • Washington, D.C. 20004

Phone: 202-585-8228 • Fax: 866-544-5430

E-mail: [dwest@nixonpeabody.com](mailto:dwest@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Litigation & Dispute Resolution

### Experience

David West joined the firm in 2008 and is a member of the Commercial Litigation group. He assists clients on matters relating to complex contracts, real estate, and other business disputes. He has assisted in all phases of litigation, at both the state and federal level, and provided support for arbitrations, both domestic and international.

While in law school, David was a member of Administrative Law Review. He served as Dean's Fellow to the Special Assistant to the Dean where he was responsible for researching and analyzing jurisprudence, legal issues, and related matters concerning the United Nations Committee Against Torture.

### Admissions

David is admitted to practice in Maryland, the District of Columbia, and the United States District Court for the District of Maryland.

### Education

American University, Washington College of Law, J.D., *cum laude*

University of Iowa, School of Journalism and Mass Communication, B.A.



**EXHIBIT 4**



## Nicola Murphy

### Paralegal

401 9<sup>th</sup> Street NW, Suite 900 • Washington, DC 20004

Phone: (202) 585-8286 • Fax: 866-600-2035

E-mail: [nmurphy@nixonpeabody.com](mailto:nmurphy@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice Areas

Business Litigation

### Experience

Nicola Murphy has worked in litigation for more than 7 years and joined Nixon Peabody in 2007. She focuses her work in complex commercial litigation, supporting attorneys in all phases of the state and federal civil litigation process.

Nicola specializes in review, management, and organization of voluminous paper and electronic document productions. She has assisted at several hearings and trials locally and out-of-state. She has extensive experience in case and document management; performing cite checks on motions and briefs; preparing privilege and redacted logs; deposition, hearing, arbitration, and trial preparation. During the course of her career she has worked on insurance litigation; contractual disputes; real property litigation; labor and employment litigation; and general commercial litigation matters.

She is proficient in litigation software tools, such as LiveNote, Concordance, Casemap, CaseLogistix, and Sanction, as well as being experienced in multi-jurisdictional electronic filings.

### Education

Montgomery County Community College – Associates Degree

Johnson County Community College - ABA approved Paralegal Certification

**EXHIBIT 5**

## Vernon W. Johnson III

### Partner

401 9th Street, N.W., Suite 900 • Washington, DC 20004

Phone: 202-585-8401 • Fax: 866- 692-7459

E-mail: [vjohnson@nixonpeabody.com](mailto:vjohnson@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Business Litigation

### Experience

Vernon Johnson is a partner with the Business Litigation group, focusing on complex commercial civil litigation. He has significant experience in real property litigation, commercial leasing, health care litigation, unfair competition, covenants not to compete, commercial litigation and arbitration, and general corporate defense work. His practice has included substantial experience with motions and claims for injunctive relief.

Mr. Johnson has tried numerous cases in both the local and the federal courts as well as before arbitration panels. Prior to joining Nixon Peabody LLP, Mr. Johnson was chair of the General Litigation and Trial Practice Group of Jackson & Campbell, PC.

Mr. Johnson is a former barrister and officer with the Charles Fahy American Inn of Court and is currently a barrister with the William B. Bryant American Inn of Court. Additionally, he has served as an officer and on the Executive Committee of the Barristers.

### Significant Cases

- *American Towers v. Williams*, 50 Fed. Appx. 448 (D.C. Cir. 2002).
- *Anger v. Tasea Inv. Co.*, 676 A.2d 18 (D.C. 1996).
- *Bell Atlantic-Washington, D.C., Inc. v. Nazario Construction Co., Inc.*, 716 A.2d 191 (D.C. 1998).
- *Cotten & Selfon v. Charnock*, 10 Fed. Appx. 70 (4th Cir. 2001).
- *Countryside Orthopaedics, P.C. v. Peyton*, 261 Va. 142, 541 S.E.2d 279 (2001).
- *Fidelity Nat'l Title Ins. Co. v. Southern Heritage Title Ins. Agency, Inc.*, 257 Va. 246, 512 S.E.2d 553 (1999).
- *First Am. Title Ins. Co. v. First Trust Nat'l Ass'n (In re: Biloxi Casino Belle, Inc.)*, 368 F.3d 491 (5th Cir. 2004).
- *Gowin v. Granite Depot, LLC*, 272 Va. 246, 634 S.E.2d 714 (2006).
- *H&R Block Financial Advisors, Inc. v. Majkowski*, 410 F.Supp.2d 1 (D.C. 2006).
- *M. Morgan Cherry & Associates, Ltd. v. Cherry*, 37 Va. App. 329, 558 S.E.2d 534 (2002).
- *Macktal v. Garde*, 111 F.Supp.2d 18 (D.D.C. 2000).
- *Nautilus Insurance Co. v. Winchester Homes, Inc.*, 15 F.3d 371 (4th Cir. 1994).
- *Regency Communications, Inc. v. Cleartel Communications, Inc.*, 160 F.Supp.2d 36 (D.D.C. 2001).
- *Vinogradova v. SunTrust Bank, Inc.*, 162 Md. App. 495, 875 A.2d 222 (2005).

### **Admissions**

Mr. Johnson is admitted to practice in the District of Columbia, Virginia, and Maryland, and before the United States District Courts for the District of Columbia, the District of Maryland, and the Eastern District of Virginia, as well as the United States Courts of Appeals for the District of Columbia, the Fourth Circuit, and the Fifth Circuit.

### **Education**

George Washington University, National Law Center, J.D.  
Duke University, B.A.

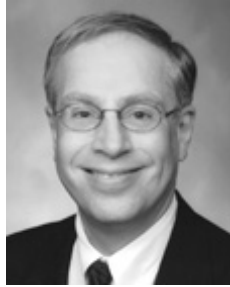
### **Legal Presentations**

- "Defend or Settle? The Title Company's Options in Handling Claims," ABA/TIPS Title Insurance Litigation Committee, Spring 1997 Title Insurance Claims Seminar, April 4, 1997.
- "Real Estate Litigation in Virginia," National Business Institute, July 28, 1999.
- "Technology and E-Commerce Contracts for 'Non-Techies'," Greater Washington Board of Trade, October 19, 1999.
- "Boundary Law in Virginia," National Business Institute, June 20, 2000.
- "Tech Fast Track: The Advantages of Alternative Dispute Resolution," Vienna, Virginia, August 10, 2000.
- "Boundary Law in Virginia," National Business Institute, January 11, 2002.
- "Advanced Principles of Title Insurance in Washington, D.C.," National Business Institute, November 12, 2002.
- "Boundary Law in Virginia," National Business Institute, June 18, 2003.
- "Introduction to Litigating and Trying Real Estate Cases," District of Columbia Bar, August 25, 2003.
- "Effective Boundary Dispute Resolution in Virginia," National Business Institute, March 24, 2004.
- "Issues in Litigating and Trying Real Estate Cases," District of Columbia Bar, September 23, 2004.
- "Virginia Boundary Law: Critical Issues and Solutions Every Practitioner Needs to Know," National Business Institute, October 14, 2004.
- "Title Law: Solutions to the Most Common Problems (Rebound from surprises and setbacks to keep real estate transactions on track)," National Business Institute, April 18, 2005.
- "Issues You Need to Consider in Litigating and Trying Real Estate Cases," District of Columbia Bar, November 2, 2005.
- "How to Survive an Arbitration and Cross Examination," SunTrust Annual Compliance Conference, November 9, 2005.
- "Issues You Need To Consider In Litigating And Trying Real Estate Cases," District of Columbia Bar, November 1 and 8, 2006.
- "Troubleshooting Title and Title Insurance Problems," National Business Institute, April 4, 2007.
- "Issues You Need to Consider in Litigating and Trying Real Estate Cases in the District of Columbia," District of Columbia Bar, September 12 and 19, 2007.
- "Issues You Need to Consider in Litigating and Trying Real Estate Cases in the District of Columbia," District of Columbia Bar, September 10 and 17, 2008.
- "Road Access Law: Successfully Handling Disputes," National Business Institute, October 16, 2008.

- “Title Law in Washington, D.C.,” National Business Institute, April 27, 2009.
- “Issues You Need to Consider in Litigating and Trying Real Estate Cases in the District of Columbia,” District of Columbia Bar, September 16 and 23, 2009.

**Legal Publications**

- Editor, Digest of the Commercial Law of the District of Columbia (Oceana Publications, Inc., 1990).
- “Fair Housing Act Case Law Developments,” Community Associations Institute Quorum, July 1993.
- “State Equity Doctrine Helps Title Insurers” (with D. Cox), *The National Law Journal*, February 7, 2000.
- “Racing to the Courthouse Takes On a New Meaning,” *The National Law Journal*, August 21, 2000.
- “Insuring Title Is Sometimes Neglected” (with D. Cox), *The National Law Journal*, October 23, 2000.
- “Drawbacks to UDRP Hearings,” *The National Law Journal*, October 22, 2001.
- “Use of Expert Testimony in Copyright Infringement Cases,” *Intellectual Property & Technology Law Journal*, July 2002.
- “To Compete or Noncompete” (with T. Vermeer), *Journal of Accountancy*, February 2004.
- Contributor, “Civil Practice in the Superior Court of the District of Columbia,” Bar Association of the District of Columbia, 2004 edition.



## Gordon L. Lang

### Partner

401 9<sup>th</sup> Street, NW, Suite 900 • Washington, DC 20004

Phone: 202-585-8319 • Fax: 866-947-3542

E-mail: [glang@nixonpeabody.com](mailto:glang@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Antitrust

Litigation & Dispute Resolution

Government Investigations & White Collar Defense

### Experience

Gordon Lang represents clients in antitrust and business litigation; in mergers and other matters before federal enforcement agencies; and in white collar criminal cases and investigations. He counsels clients on antitrust and other issues. He is a Team Leader of the Firm's antitrust practice.

Before joining the firm in 1985, Gordon was a trial attorney in the Antitrust Division of the U.S. Department of Justice and a special assistant U.S. attorney. He was awarded the Justice Department Special Commendation for Outstanding Service (1984) and the World Mercy Fund Primum Vivere Award (1993).

In 1998–99, Gordon taught marketing law at the Johns Hopkins University School of Continuing Studies.

### Selected Experience

- Mergers and acquisitions, including successful representation of clients in Second Request investigations.
- Defense of corporations and individuals in grand jury investigations, including amnesty applications and criminal trials.
- Defense of clients in Justice Department, Federal Trade Commission, and State investigations.
- *State of Arizona v. Gannett Co., Inc., et al.* (D. Ariz. May 2009), (Denial of Motion for TRO and Preliminary Injunction seeking to bar closure of Tucson Citizen; State subsequently dismissed case).
- *The Diamond Center, Inc. v. Leslie's Jewelry Mfg. Corp.*, 562 F. Supp. 2d 1009, (W.D. Wisc. 2008). (Dismissing Robinson-Patman, unjust enrichment, and promissory estoppel claims).
- *NewsOne Newspaper Distribution Service v. Gannett Satellite Information Network*, (D. Maryland, January 2008). (Denying TRO sought against USA TODAY's change in distribution system; plaintiff subsequently dismissed case).
- *Reilly v. MediaNews, et al.* 2006 U.S. Dist. LEXIS 61696 (N.D.Cal. 2006) (Denying request for TRO blocking acquisition of newspapers).
- *Mahaffey v. Detroit Newspaper Agency*, 969 F. Supp. 446 (D. Mich. 1997), *aff'd*, 1998 U.S. App. LEXIS 25472 (6th Cir. 1998) (Obtained summary judgment for

defendant newspapers and their joint operating agency against price-fixing and output restriction claims).

- *Michigan Citizens for an Independent Press v. Thornburgh*, 493 U.S. 38 (1989) (Decision upheld Attorney General's approval of application for antitrust exemption for joint newspaper operating arrangement between two daily newspapers in Detroit).
- *Corning v. Transitions* (Representation of plaintiff Corning in monopolization and exclusive dealing case).
- *Wright v. Gannett* (Defeat of motion to preliminarily enjoin newspaper's change in distribution system; rebuff of class action allegations).
- *United States v. Title Insurance Rating Bureau of Arizona*, 517 F. Supp. 1053 (D. Ariz. 1981), *aff'd*, 700 F.2d 1247 (9th Cir. 1983) (Prosecutor in action rejecting state action and McCarran-Ferguson defenses).
- *United States Optical v. Corning*, 1994 U.S. App. LEXIS 259 (4th Cir. 1994) (Summary judgment for defendant Corning against breach of contract, unfair competition, and other claims).
- *In re United States Optical*, 1993 U.S. App. LEXIS 6960 (4th Cir. 1993) (Upholding grant of involuntary bankruptcy petition).
- *Lucas v. Planning Board of LaGrange*, 7 F. Supp. 2d 310 (S.D.N.Y. 1998) (Defeating challenge to consent decree in Telecommunications Act case).

#### **Admissions**

Admitted to practice in the District of Columbia, New York, and Illinois; several United States District Courts and Courts of Appeal; and the United States Supreme Court.

#### **Education**

Harvard Law School, J.D., *cum laude*

University of Michigan, B.A., with high distinction

#### **Articles**

- "ALBRECHT after ARCO: Maximum Resale Price Fixing Moves toward the Rule of Reason" (co-author with R. Blair), 44 *Vanderbilt L. Rev.* 1007 (1991) (cited by the Supreme Court in *State Oil Co. v. Khan*, 522 U.S. 3 (1997)).
- "Grappling with Reach of Sherman Act in Suits by Non-U.S. Consumers" (co-author with J. Kole), *New York Law Journal*, August 11, 2003.



## Colin W. O'Sullivan

### Associate

401 9th Street, N.W., Suite 900 • Washington, D.C. 20004

Phone: 202-585-8184 • Fax: 866-480-9613

E-mail: [cosullivan@nixonpeabody.com](mailto:cosullivan@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Litigation and Dispute Resolution

E-Discovery & Information Law

### Experience

Colin O'Sullivan joined the firm's Litigation Associate Pool group in the fall of 2007. He assists clients on a broad range of commercial litigation matters including matters relating to administrative law, real estate, antitrust, complex contracts, and government contracts. Colin was a summer associate at the firm during the summer of 2006.

Before joining the firm, Colin worked as a summer associate at another firm in Washington, D.C., where he researched and drafted legal memoranda focusing on litigation and administrative law. Before law school, he worked as a paralegal for a boutique litigation firm in Washington, D.C., focusing on administrative law, labor law, products liability, toxic torts, and commercial litigation.

Colin was a finalist at the 2007 National Telecommunications Moot Court Competition.

### Admissions

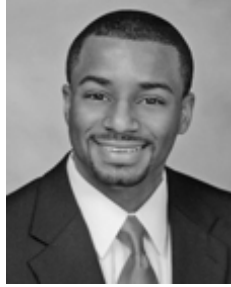
Colin is admitted to practice in the Commonwealth of Virginia and the District of Columbia.

### Education

George Washington University Law School, J.D.

The College of William and Mary, B.A.





## Kenneth Nichols

### Associate

401 9th Street, N.W., Suite 900 • Washington, DC 20004

Phone: 202-585-8185 • Fax: 866-409-7886

E-mail: [knichols@nixonpeabody.com](mailto:knichols@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice Areas

Business Litigation

### Experience

Kenneth Nichols is a member of the Business Litigation group. He assists clients on matters relating to government investigations, complex contracts, and financial forensics, as well as antitrust, real estate, and securities issues.

Before joining the firm, Mr. Nichols worked in the Criminal Division of the United State Attorney's Office, Eastern District of Pennsylvania where he researched and drafted legal memoranda on the following issues: involuntary confessions, willful blindness, defense witness immunity, misjoinder, admission of co-conspirator statements, double jeopardy, and search warrants.

Mr. Nichols also assisted in the U.S. Naval Criminal Investigative Service, Cold Case Homicide Unit where he analyzed case files, consolidated evidence, and presented natural death/suicide cases to the Death Review Board.

While in law school, Mr. Nichols served as the Student-Attorney in the Howard University School of Law Criminal Justice Clinic, where he represented indigent misdemeanor defendants in District of Columbia Superior Court and prepared cases for all levels of trial court proceedings. Additionally, he served as student-counsel for indigent parolees in parole revocation hearings, investigated cases on behalf of fellow student-attorneys, interviewed clients and witnesses, and prepared written motions to suppress statements and evidence.

### Admissions

Mr. Nichols is admitted to practice in Virginia and the District of Columbia.

### Education

Howard University School of Law, J.D., *cum laude*. *Howard Law Journal*, member.

Duke University, B.A.





## Benjamin T. Hickman

### Associate

401 9<sup>th</sup> Street, N.W., Suite 900 • Washington, DC 20004

Phone: 202-585-8349 • Fax: 866-590-5720

E-mail: bhickman@nixonpeabody.com

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Litigation & Dispute Resolution

Intellectual Property Litigation

Copyright

### Experience

Benjamin Hickman has represented clients in trademark, copyright, and patent infringement actions in federal courts, and in opposition and cancellation proceedings before the Trademark Trial and Appeal Board at the U.S. Patent and Trademark Office. He has represented clients in domain name arbitration proceedings before the World Intellectual Property Organization Arbitration and Mediation Center.

Ben prosecutes U.S. trademark applications and has experience with intellectual property licensing matters. He has also litigated insurance and real estate disputes and drafted briefs in appeals to the Supreme Court of Virginia and the Court of Appeals of Virginia.

Ben was a summer associate at Nixon Peabody LLP. He interned for an international law firm in Hong Kong and was a special projects reporter for the Shanghai Daily. While in law school, Ben served as managing editor of the Syracuse Law Review.

Ben regularly blogs on developments in intellectual property and media law at the Firm's NP 2.0 site.

### Admissions

Ben is admitted to practice in the Commonwealth of Virginia and the District of Columbia.

### Education

Syracuse University College of Law, J.D., *magna cum laude* (ABA/BNA Award for superior performance in intellectual property)

Syracuse University Maxwell School of Citizenship & Public Affairs, M.A., International Relations

Syracuse University S.I. Newhouse School of Public Communications, B.A., *magna cum laude* (Chancellor's Scholar, Anthony Yeh Scholar)

### Publications

- Can You Find a Home For This "Orphan" Copyright Work?: A Statutory Solution For Copyright-Protected Works Whose Owners Cannot Be Located,

*57 SYRACUSE L. REV. 123 (2006), reprinted at INTELLECTUAL PROPERTY LAW REVIEW 2007 (Karen B. Tripp ed., Thomson West 2007).*



## Tanya C. Nesbitt

### Associate

401 9th Street, N.W., Suite 900 • Washington, D.C. 20004

Phone: 202-585-8381 • Fax: 866-858-1450

E-mail: [tnesbitt@nixonpeabody.com](mailto:tnesbitt@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Litigation & Dispute Resolution

### Experience

Tanya Nesbitt joined the firm in 2008 as a member of the Litigation & Dispute Resolution group and represents clients in a broad range of commercial litigation matters.

Before joining the firm, Tanya was a legal intern to the Honorable Judge Ricardo M. Urbina, United States District Court for the District of Columbia, where she prepared drafts of proposed Memorandum Opinions on cases involving Freedom of Information Act and Title VII. Tanya also worked as a summer associate with Nixon Peabody LLP in 2007.

While in law school, Tanya served as a student attorney at The Public Justice Advocacy Clinic assisting with various matters including, drafting and editing a complaint containing Americans with Disabilities and Fair Housing Act claims and researched and wrote memoranda of law on the Pregnancy Discrimination Act, Section 12-309 of the D.C. Code, and children plaintiffs. Tanya also worked as a legal research fellow and served on the Academic Integrity Committee (AIC). As part of the AIC, she worked with the law school faculty on articulating and fostering professional ethics standards and assisted with re-drafting the school's integrity policy.

### Admissions

Tanya is admitted to practice in Virginia, in the District of Columbia and before the U.S. District Court for the Eastern District of Virginia.

### Education

The George Washington University Law School, J.D.  
Smith College, B.A.



## Cynthia Fleming Crawford

### Associate

401 9<sup>th</sup> Street, N.W., Suite 900 • Washington, DC 20004

Phone: 202-585-8346 • Fax: 866-283-9445

E-mail: [ccrawford@nixonpeabody.com](mailto:ccrawford@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Litigation & Dispute Resolution

Intellectual Property Litigation

Financial Services Litigation

E-Discovery & Information Law

### Experience

Ms. Crawford is a member of the Litigation & Dispute Resolution group. She has assisted clients in a variety of complex cases in the areas of contract disputes and intellectual property infringement, e-discovery and information law, financial services litigation, and tax litigation.

Prior to attending law school, Ms. Crawford was a Finance Manager with the General Electric Company where she had financial responsibility for GE Network Solutions for the Americas. Her previous experience includes other prominent companies, such as the Mattel Toy Company where she was a Manufacturing Plant Controller and Co-General Manager; and the Ford Motor Company where she was a Financial Analyst and Systems Analyst.

Ms. Crawford is a Certified Management Accountant and has been Certified in Production and Inventory Control by the American Production and Inventory Control Society.

### Admissions

Ms. Crawford is admitted to practice in the District of Columbia, the state of Maryland, the United States District Courts for the District of Maryland and the District of Columbia.

### Education

Georgetown University Law Center, J.D.

Georgetown University, M.A., American Government

Cornell University, Johnson Graduate School of Management, MBA

University of California, Berkeley, Bachelor of Arts, Applied Mathematics

### Affiliations

Ms. Crawford is a member of the American Bar Association (Litigation and Intellectual Property Sections) and the DC Bar Association (Litigation Section and E-Discovery Committee).



## Scott A. Maule

### Associate

401 9<sup>th</sup> Street, N.W., Suite 900 • Washington, DC 20004  
Phone: 202-585-8278 • E-mail: [smaule@nixonpeabody.com](mailto:smaule@nixonpeabody.com)  
Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice

Litigation

### Experience

Scott Maule is a member of the Business Litigation Group. Mr. Maule's practice includes a variety of litigation matters, with a focus on complex commercial litigation. His experience includes researching, writing, and arguing motions before state and federal courts, as well as assisting with trials. Mr. Maule also has experience taking and defending depositions and has worked on a wide range of discovery-related issues. He previously worked at another DC law firm where he worked on similar business litigation matters, including a federal district court breach of contract and fraud trial.

In addition, Mr. Maule completed the Twenty-Third Annual National Trial Advocacy College at the University of Virginia. While in law school, Mr. Maule served as the Senior Notes Editor for *William & Mary Law Review*, was the moot court competition of his class, and worked as a legal intern in the Civil and Criminal divisions of the United States Attorney's Office of the U.S. Department of Justice in Tulsa, Oklahoma.

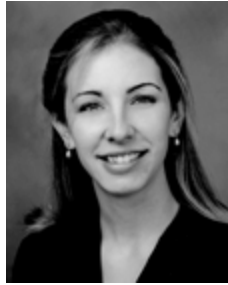
### Education

William & Mary School of Law, J.D. 2002 (Senior Notes Editor, *William & Mary Law Review*)

University of the South, B.A., *magna cum laude*, 1999

### Admissions

Mr. Maule is admitted to practice in the District of Columbia and the state of Virginia.



## Kimberly Jandrain

### Associate

401 9<sup>th</sup> Street, N.W., Suite 900 • Washington, DC 20004

Phone: 202-585-8341 • Fax: 866-283-9436

Email: [kjandrain@nixonpeabody.com](mailto:kjandrain@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice Areas

Litigation & Dispute Resolution

Franchising

### Experience

Kimberly Jandrain joined the firm's Litigation & Dispute Resolution group in the fall of 2006. Ms. Jandrain was a summer associate at the firm during the summer of 2005.

Ms. Jandrain has advised clients on a wide variety of issues, including federal and state income tax matters, labor and employment issues, and franchise matters. Her franchise practice includes drafting and providing advice relating to franchise agreements, area development agreements, and disclosure documents. She counsels clients on legal matters arising from the franchise relationship, including termination and post-termination obligations.

Before joining Nixon Peabody LLP, Ms. Jandrain worked as a law clerk for the AARP foundation in Washington, D.C., where she prepared declarations in a class action age discrimination lawsuit and wrote memoranda for attorneys on employment discrimination issues.

### Admissions

Ms. Jandrain is admitted to practice in the Commonwealth of Virginia and the District of Columbia, as well as before the U.S. District Court for the Eastern District of Virginia, and before the U.S. District Courts for the District of Maryland and the District of Columbia.

### Education

The George Washington University Law School, J.D., high honors

University of Notre Dame, B.A., summa cum laude

### Publications

Kimberly Jandrain, Note, "Special Respect: For Embryos and Progenitors" (2006), *The George Washington Law Review*, Volume 74, Number 3

Kimberly Jandrain (coauthor), "Reconciling Definitions of 'Disability': Six Years Later, Has *Cleveland v. Policy Management Systems* Lived Up to Its Initial Reviews as a Boost for Workers' Right?" (2005), *Marquette Elder's Advisor*, Volume 7, Number 1, 29



## Jenny H. Smith

### Paralegal

401 9<sup>th</sup> Street NW, Suite 900 • Washington, DC 20004

Phone: 202 585- 8344 • Fax: 866 299-5986

E-mail: [jhsmith@nixonpeabody.com](mailto:jhsmith@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice Areas

Business Litigation

### Experience

Jenny Smith has worked in litigation for more than 10 years and joined Nixon Peabody in 2004. Prior to joining the Business Litigation group in Washington, D.C., Jenny was a Intellectual Property litigation paralegal at Nixon Peabody's Rochester office.

Jenny has experience in coordinating all aspects of case management for complex commercial litigation, patent and trademark litigation, patent interferences, arbitration and USITC Section 337 Investigations.

Jenny has extensive experience in performing complex cite checks on motions and briefs; preparing privilege and redacted logs; digesting deposition testimony; and identifying and organizing documents in preparation for depositions, hearings, and trial. She also has experience reviewing and managing voluminous paper and electronic document productions.

Her trial preparation skills include assisting in preparation of jury instructions, motions in limine, trial binders, subpoenas, and witness files. She has assisted at several hearings and trials both at the state and federal level.

She communicates frequently with clients, other counsel, witnesses, and experts. She designs and manages internal, multi office and client extranets for each case she manages.

Jenny is proficient in litigation software tools, such as Concordance, LiveNote, Casemap, and Sanction, as well as being experienced in multi-jurisdictional electronic filings.

### Education

University of South Carolina, Columbia, S.C., B.S.



## Anne M. Belin

### Paralegal

40 Fountain Plaza, Suite 500 • Buffalo, NY 14202

Phone: 716-853-8114 • Fax: 718-247-5553

E-mail: [abelin@nixonpeabody.com](mailto:abelin@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice areas

Products Litigation

### Experience

Anne Belin has been a paralegal since 2003, working on Products Liability, Mass & Complex Tort matters. Utilizing Anne's extensive background in systems design, implementation and training, Nixon Peabody took a lead role in the development of a web-based, collaborative litigation database for one of our clients.

Anne also has experience in preparing deposition and trial materials, as well as use of trial software.

Prior to joining Nixon Peabody, Anne worked for over twenty years on various financial and sales support projects.

### Education

Canisius College, Center for Professional Development, Paralegal Certification





## Peggy Dirmyer

Paralegal

40 Fountain Plaza, Suite 500 • Buffalo, NY 14202

Phone: 716-853-8112 • Fax: 917-464-8994

E-mail: [pdirmyer@nixonpeabody.com](mailto:pdirmyer@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice areas

Consumer Packaged Goods

Product: Class Action, Trade & Industry Representation

### Experience

Peggy Dirmyer is a paralegal in the Products: Class Action, Trade & Industry Representation practice group, and deals mostly with toxic tort litigation.

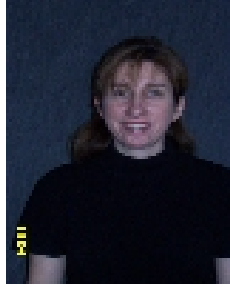
Ms. Dirmyer is experienced in the drafting of correspondence and pleadings, motions, deposition summaries, and medical records requests; she is also responsible for scheduling of depositions, handling electronic filings with courts, trial preparation, and legal research and cite-checking. She is also responsible for the administration and upkeep of an extranet for 26,000 asbestos cases. Ms. Dirmyer is also experienced with and uses several litigation software tools to manage cases, i.e. Concordance, Summation, and CaseMap.

Ms. Dirmyer worked as a legal secretary for 20 years in the litigation and corporate fields, and was a case assistant in 2003 before becoming a paralegal in 2005.

### Education

Bryant & Stratton Business Institute, Diploma, Legal Secreatry

Canisius College, Center for Professional Development, Paralegal Certification



## Colleen S. Durawa

### Paralegal

40 Fountain Plaza, Suite 500 • Buffalo, NY 14202

Phone: 716-853-8111 • Fax: 917-464-8997

E-mail: [cdurawa@nixonpeabody.com](mailto:cdurawa@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice areas

Litigation & Dispute Resolution

### Experience

Ms. Durawa has an extensive legal background, having worked as a legal secretary/assistant for over twenty years in the litigation field. She became a paralegal case assistant in 2004

### Education

Erie Community College, Associates Degree in Legal Secretarial Studies



## Stephanie L. Schinella

### Paralegal

437 Madison Avenue • New York, NY 10022

Phone: 212-940-3147 • Fax: 866-591-5784

Email: [sschinella@nixonpeabody.com](mailto:sschinella@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice Areas

Private Equity

Global Finance

### Experience

Stephanie Schinella has been with Nixon Peabody since 2006. In the Private Equity department, she is involved with incorporating companies and maintaining the subsequent corporate records.

Before her corporate work, Ms. Schinella was in litigation. She was active in trial preparations and electronic filings with the courts.

### Education

Binghamton University, State University of New York, BA



## Nancy Roberts Mahoney

### Paralegal

One Citizens Plaza • Providence, Rhode Island 02903

Phone: 401-454-1008 • Fax: 866 947-1205

E-mail: [mmahoney@nixonpeabody.com](mailto:mmahoney@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

### Practice areas

Litigation & Dispute Resolution

### Experience

Nancy Mahoney has been a paralegal for more than 15 years. A member of Nixon Peabody's Business Litigation group since 2001, Nancy has extensive experience in factual research, case and document production management, trial preparation, and legal drafting. During the course of her career she has worked on environmental administrative, litigation, and insurance cases; general commercial litigation matters; labor and employment administrative and litigation cases; and commercial foreclosure matters.

Nancy has experience using LiveNote, Concordance, Trial Director, CaseMap, and TimeMap litigation management software programs.

Prior to coming to Nixon Peabody, Nancy worked for seven years as an environmental paralegal at a major Boston law firm.

### Education

Ohio Wesleyan University, B.A.

Bentley College, Paralegal Certificate

Tufts University, M.S.



**Jeffrey D. Jarrett**

Litigation Technology Specialist

[jjarrett@nixonpeabody.com](mailto:jjarrett@nixonpeabody.com)

585-263-1107

Fax: 585-563-4905

1100 Clinton Square  
Rochester, NY 14604

### Experience

Mr. Jarrett provides technical guidance from an electronic discovery standpoint firmwide and in the firm's Chicago office. Prior to joining the Litigation Technology Services group, Mr. Jarrett was a member of the Nixon Peabody Help Desk team and held numerous information technology positions at Xerox, where he was responsible for developing and supporting industry solutions. Primarily responsible for managing the firm's Litigator's Toolbox suite of electronic discovery applications and data, Mr. Jarrett also manages the firm's electronic data processing center and provides litigation technology support for clients throughout the firm.

Combining real-world IT experience with knowledge of the electronic discovery process, Mr. Jarrett provides invaluable advice and instructions throughout the collection, review, and production processes. His problem-solving skills help navigate the complexities of dealing with electronic data discovery.

### Experience

- Perform tasks such as electronic document productions, data loading and conversions, custom reports, etc.
- Typically consults with Nixon Peabody's Fortune 50 clients on all aspects of electronic discovery
- Manage relationships with outside electronic data discovery (EDD), scanning and coding vendors, forensic collection agencies, including delivery requirements and quality control
- Advise Litigation Technology and IT staff regarding electronic data and processes in myriad scenarios
- Provide technical support and training for end-users and Litigation Technology staff on the latest technology

### Legal Technology Portfolio

- CaseSoft Suite, including CaseMap, TimeMap, and NoteMap
- LiveNote
- Concordance
- Opticon
- Summation
- Sanction
- Adobe Professional
- LexisNexis Applied Discovery Online Review Application
- Discover-e

Training/Certifications Held

- Dataflight: Introduction to Administration (Concordance)
- Concordance Certified Systems Administration
- Dataflight: End-User Training (Concordance and Opticon)
- CaseMap Fundamentals for End-users

Education

SUNY Geneseo, BS, Management Information Systems

The logo for Nixon Peabody, featuring the company name in a serif font with a horizontal line underneath.

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**Joshua A. Headley**

Litigation Technology Specialist

[jheadley@nixonpeabody.com](mailto:jheadley@nixonpeabody.com)

585-263-1209

Fax: 585-263-1600

1100 Clinton Square  
Rochester, NY 14604

**Practice Areas**

Litigation & Dispute Resolution

E-Discovery, Records & Information Management, Privacy & Data  
Protection

**Experience**

Mr. Headley provides technical services to the upstate NY offices of Nixon Peabody, including the Firm's headquarters in Rochester, NY. Mr. Headley joins the Litigation Technology Services team from prior information technology positions at Eastman Kodak Company where he was responsible for developing business intelligence and data mining systems. Primarily responsible for E-Discovery project management, Mr. Headley is also actively involved in developing new business through consulting engagements and the identification of cross-selling opportunities among a growing pool of fulfilled clients.

Mr. Headley's credentials range from civilian certification in computer forensics, to Master's level business coursework, creating a breadth of knowledge from which to assist internal counsel and external clients. Combined with production-level computer programming experience and international certification in project management, this range of skills allows Mr. Headley to provide value to corporate clients of all sizes and at all levels. Mr. Headley's current technology interests include open source Internet search, forensic software tools, and the growing influence of social networking.

**Education**

Rochester Institute of Technology, M.B.A., Finance  
SUNY Geneseo, B.S., Management Information Systems  
PMP (Project Management Professional)  
CCE (Certified Computer Examiner)

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## Jason P. Reid

### Senior Litigation Technology Specialist

437 Madison Avenue • New York, NY 10022

Phone: 212-940-3002 • E-mail: [jpreid@nixonpeabody.com](mailto:jpreid@nixonpeabody.com)

Website: [www.nixonpeabody.com](http://www.nixonpeabody.com)

Jason P. Reid is responsible for managing and overseeing Litigation Technology Services in Nixon Peabody's eastern region, including the New York City; Long Island; Washington, D.C.; and upstate New York offices. As regional manager, Mr. Reid is involved with many aspects of the litigation technology services business, including new business development, discovery tool evaluation, and project management of cases, including project plan development and resource allocation of internal Nixon Peabody Litigation Technology Services personnel and external resources such as local and national vendors.

Mr. Reid serves as team leader for his region's litigation technology services specialists. In addition, he is the principal litigation technology services specialist within the region, providing electronic discovery (eDiscovery) consulting services to case teams and firm clients. As the principal litigation technology support industry specialist, Mr. Reid actively participates in ongoing industry seminars, tradeshow, and educational sessions related to eDiscovery and software certification courses.

Mr. Reid consults with attorneys, staff, and clients on recommending the best use of technologies related to eDiscovery, evidence management, specialized databases, document review and production, deposition technologies, and trial presentation.

Before joining Nixon Peabody, Mr. Reid was a litigation support specialist at Kaye Scholer LLP, where he was responsible for the coordination and administration of trial presentation technology and gained extensive experience in discovery procedures, including large-scale document productions and eDiscovery, as well as being a lead trial technology consultant for the firm.

### Education

University of Arizona, Bachelor of Science, Psychology.

### Application Experience

Concordance

Opticon

CaseMap – Certified

TimeMap

LiveNote

Sanction II – Certified

Renew Data E-Discovery Certification

Applied Discovery E-Discovery Certification



### **Experience**

- Successfully consulted on and managed multiple large eDiscovery requests and document productions for Fortune 500 companies. Highly knowledgeable and experienced in all aspects of discovery, including document review and production strategies. Consulted with case teams on defensible data collection, filtering, and review strategies. Experienced in handling second requests and other large productions. Called upon to train and supervise document review attorney teams on various document management databases.
- Successfully coordinated and managed the litigation technology for multiple large pharmaceutical product liability multi-district litigations and class action suits. Responsible for coordinating and staffing trial technology consultants and courtroom technology logistics for simultaneous trials across the United States and being the main point of contact for the consultants and legal teams.
- Lead trial consultant on multi-million dollar litigations. Key consultant in strategy sessions with legal teams, to develop effective and persuasive trial presentations and effectively use trial technology. Possess hundreds of hours of experience in operating trial technology software in trial, hearings and arbitrations.
- Responsible for developing litigation technology awareness initiatives for the firm, including giving firm and client presentations, creating training curriculum, and conducting staff instruction sessions.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

<hr/>		)
SIGNATURE FLIGHT SUPPORT CORPORATION,		)
		)
Plaintiff/Counterclaim Defendant,		)
		)
v.		) Civil Action No.: 1:08cv955(JCC)
		)
LANDOW AVIATION LIMITED PARTNERSHIP,		) <b>FILED UNDER SEAL</b>
		)
Defendant/Counterclaim Plaintiff.		)
<hr/>		)

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR ATTORNEYS' FEES AND RELATED COSTS OF  
SIGNATURE FLIGHT SUPPORT CORPORATION**

**EXHIBIT 6**  
**TO LOUIS E. DOLAN'S DECLARATION IS**  
**FILED UNDER SEAL PURSUANT TO THE PROTECTIVE**  
**ORDER FILED BY THIS COURT ON NOVEMBER 24, 2008. [Dkt. No. 26].**

**NIXON PEABODY LLP INVOICES**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

SIGNATURE FLIGHT SUPPORT CORPORATION,

Plaintiff/Counterclaim Defendant,

V.

) Civil Action No.: 1:08cv955(JCC)

LANDOW AVIATION LIMITED PARTNERSHIP,

Defendant/Counterclaim Plaintiff.

**FILED UNDER SEAL**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR ATTORNEYS' FEES AND RELATED COSTS OF  
SIGNATURE FLIGHT SUPPORT CORPORATION**

## EXHIBIT 7

TO LOUIS E. DOLAN'S DECLARATION IS  
FILED UNDER SEAL PURSUANT TO THE PROTECTIVE  
ORDER FILED BY THIS COURT ON NOVEMBER 24, 2008. [Dkt. No. 26].

## SUMMARY OF ATTORNEY FEES AND ASSOCIATED COSTS REQUESTED BY SIGNATURE FLIGHT SUPPORT CORPORATION

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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SIGNATURE FLIGHT SUPPORT CORPORATION,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	
v.	)	Civil Action No.: 1:08cv955(JCC)
	)	
LANDOW AVIATION LIMITED PARTNERSHIP,	)	<b>FILED UNDER SEAL</b>
	)	
Defendant/Counterclaim Plaintiff.	)	

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR ATTORNEYS' FEES AND RELATED COSTS OF  
SIGNATURE FLIGHT SUPPORT CORPORATION**

**EXHIBIT 8**  
**TO LOUIS E. DOLAN'S DECLARATION IS**  
**FILED UNDER SEAL PURSUANT TO THE PROTECTIVE**  
**ORDER FILED BY THIS COURT ON NOVEMBER 24, 2008. [Dkt. No. 26].**

**SUMMARY OF COSTS INCURRED BY NIXON PEABODY LLP**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

SIGNATURE FLIGHT SUPPORT CORPORATION,

Plaintiff/Counterclaim Defendant,

V.

LANDOW AVIATION LIMITED PARTNERSHIP,

Defendant/Counterclaim Plaintiff.

) Civil Action No.: 1:08cv955(JCC)

**FILED UNDER SEAL**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR ATTORNEYS' FEES AND RELATED COSTS OF  
SIGNATURE FLIGHT SUPPORT CORPORATION**

## EXHIBIT 9

TO LOUIS E. DOLAN'S DECLARATION IS  
FILED UNDER SEAL PURSUANT TO THE PROTECTIVE  
ORDER FILED BY THIS COURT ON NOVEMBER 24, 2008. [Dkt. No. 26].

## SUMMARY OF COSTS INCURRED BY SIGNATURE FLIGHT SUPPORT CORPORATION